



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1727

Introduced 2/15/2013, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4.5 new
430 ILCS 65/8

from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that any person who owns one or more firearms in this State shall maintain a policy of liability insurance in the amount of at least \$1,000,000 specifically covering any damages resulting from negligent or willful acts involving the use of a firearm while it is owned by the person. Provides that a person shall be deemed the owner of a firearm after the firearm is lost or stolen until the loss or theft is reported to the police department or sheriff of the jurisdiction in which the owner resides. Provides that the Department of State Police shall revoke and seize a Firearm Owner's Identification Card previously issued under this Act if the Department finds that the person to whom the card was issued possesses or acquires a firearm and does not submit evidence to the Department of State Police that he or she has been issued in his or her name a liability insurance policy in the amount of at least \$1,000,000 specifically covering any damages resulting from negligent or willful acts involving the use of a firearm while it is owned by the person. Effective immediately.

LRB098 10327 RLC 40514 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 8 and by adding Section 4.5 as
6 follows:

7 (430 ILCS 65/4.5 new)

8 Sec. 4.5. Liability insurance required. Any person who owns
9 one or more firearms in this State shall maintain a policy of
10 liability insurance in the amount of at least \$1,000,000
11 specifically covering any damages resulting from negligent or
12 willful acts involving the use of any firearm while it is owned
13 by that person. A person shall be deemed the owner of a firearm
14 after the firearm is lost or stolen until the loss or theft of
15 the firearm is reported to the police department or sheriff
16 with jurisdiction over the location in which the owner resides.
17 This Section does not apply to a person described in subsection
18 (b) or (c) of Section 2 of this Act.

19 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

20 Sec. 8. The Department of State Police has authority to
21 deny an application for or to revoke and seize a Firearm
22 Owner's Identification Card previously issued under this Act

1 only if the Department finds that the applicant or the person
2 to whom such card was issued is or was at the time of issuance:

3 (a) A person under 21 years of age who has been convicted
4 of a misdemeanor other than a traffic offense or adjudged
5 delinquent;

6 (b) A person under 21 years of age who does not have the
7 written consent of his parent or guardian to acquire and
8 possess firearms and firearm ammunition, or whose parent or
9 guardian has revoked such written consent, or where such parent
10 or guardian does not qualify to have a Firearm Owner's
11 Identification Card;

12 (c) A person convicted of a felony under the laws of this
13 or any other jurisdiction;

14 (d) A person addicted to narcotics;

15 (e) A person who has been a patient of a mental institution
16 within the past 5 years or has been adjudicated as a mental
17 defective;

18 (f) A person whose mental condition is of such a nature
19 that it poses a clear and present danger to the applicant, any
20 other person or persons or the community;

21 For the purposes of this Section, "mental condition" means
22 a state of mind manifested by violent, suicidal, threatening or
23 assaultive behavior.

24 (g) A person who is intellectually disabled;

25 (h) A person who intentionally makes a false statement in
26 the Firearm Owner's Identification Card application;

1 (i) An alien who is unlawfully present in the United States
2 under the laws of the United States;

3 (i-5) An alien who has been admitted to the United States
4 under a non-immigrant visa (as that term is defined in Section
5 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(26))), except that this subsection (i-5) does not apply
7 to any alien who has been lawfully admitted to the United
8 States under a non-immigrant visa if that alien is:

9 (1) admitted to the United States for lawful hunting or
10 sporting purposes;

11 (2) an official representative of a foreign government
12 who is:

13 (A) accredited to the United States Government or
14 the Government's mission to an international
15 organization having its headquarters in the United
16 States; or

17 (B) en route to or from another country to which
18 that alien is accredited;

19 (3) an official of a foreign government or
20 distinguished foreign visitor who has been so designated by
21 the Department of State;

22 (4) a foreign law enforcement officer of a friendly
23 foreign government entering the United States on official
24 business; or

25 (5) one who has received a waiver from the Attorney
26 General of the United States pursuant to 18 U.S.C.

1 922 (y) (3);

2 (j) (Blank);

3 (k) A person who has been convicted within the past 5 years
4 of battery, assault, aggravated assault, violation of an order
5 of protection, or a substantially similar offense in another
6 jurisdiction, in which a firearm was used or possessed;

7 (l) A person who has been convicted of domestic battery,
8 aggravated domestic battery, or a substantially similar
9 offense in another jurisdiction committed before, on or after
10 January 1, 2012 (the effective date of Public Act 97-158). If
11 the applicant or person who has been previously issued a
12 Firearm Owner's Identification Card under this Act knowingly
13 and intelligently waives the right to have an offense described
14 in this paragraph (l) tried by a jury, and by guilty plea or
15 otherwise, results in a conviction for an offense in which a
16 domestic relationship is not a required element of the offense
17 but in which a determination of the applicability of 18 U.S.C.
18 922(g)(9) is made under Section 112A-11.1 of the Code of
19 Criminal Procedure of 1963, an entry by the court of a judgment
20 of conviction for that offense shall be grounds for denying an
21 application for and for revoking and seizing a Firearm Owner's
22 Identification Card previously issued to the person under this
23 Act;

24 (m) (Blank);

25 (n) A person who is prohibited from acquiring or possessing
26 firearms or firearm ammunition by any Illinois State statute or

1 by federal law;

2 (o) A minor subject to a petition filed under Section 5-520
3 of the Juvenile Court Act of 1987 alleging that the minor is a
4 delinquent minor for the commission of an offense that if
5 committed by an adult would be a felony;

6 (p) An adult who had been adjudicated a delinquent minor
7 under the Juvenile Court Act of 1987 for the commission of an
8 offense that if committed by an adult would be a felony; or

9 (q) A person who is not a resident of the State of
10 Illinois, except as provided in subsection (a-10) of Section 4.

11 The Department of State Police shall revoke and seize a
12 Firearm Owner's Identification Card previously issued under
13 this Act if the Department finds that the person to whom the
14 card was issued possesses or acquires a firearm and does not
15 submit evidence to the Department of State Police that he or
16 she has been issued in his or her name a liability insurance
17 policy in the amount of at least \$1,000,000 specifically
18 covering any damages resulting from negligent or willful acts
19 involving the use of a firearm while it is owned by the person.

20 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
21 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.